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10 R. Bell, and R. Linfor

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12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 **MICHAEL LYNN WATERS,**

16 Plaintiff,

17 v.

18 **A.W. COOK, et al,**

19 Defendants.  
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C 07-4683 CRB (PR)

**DEFENDANTS' REQUEST  
FOR AN EXTENSION OF  
TIME TO FILE AN  
OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT  
PENDING RULING ON  
MOTION TO DISMISS**

The Honorable Charles R. Breyer

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23 Defendants C. Wilber, F. Jacquez, R. Horel, J. Robertson, D. Melton, M. Cook, C. Patten,  
24 R. Bell, and R. Linfor (Defendants) move for an extension of time to respond to Plaintiff's  
25 motion for summary judgment so that the court can resolve Defendants' previously filed motion  
26 to dismiss before they are obligated to brief summary-judgment issues. This extension will  
27 promote judicial economy and potentially reduce the parties' litigation burdens.

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Defs.' Req. for Ext. of Time to File Opp. to Pl.'s Mot. for Summ. J.

*Waters v. Cook, et al.,*  
C 07-4683 CRB (PR)

1 Defendants filed a motion to dismiss based on Plaintiff's failure to exhaust administrative  
2 remedies on May 9, 2008. Plaintiff filed an opposition on June 4, 2008, and Defendants plan to  
3 file their reply brief by the court-imposed deadline of June 19, 2008. (*See* Order Service 4, Jan.  
4 1, 2008.)

5 Plaintiff filed a motion for summary judgment on June 4, 2008. It would be unduly  
6 burdensome for Defendants to oppose Plaintiff's motion for summary judgment while  
7 Defendants' motion to dismiss this action is pending. For this reason, Defendants request an  
8 extension of time to oppose Plaintiff's motion for summary judgment.

9 If Defendants' motion to dismiss this action is decided in Plaintiff's favor, then Defendants  
10 request an extension of 30 days from the date of the Court's order regarding Defendants' motion  
11 to dismiss in which to oppose Plaintiff's motion for summary judgment. If Defendants' motion  
12 to dismiss is decided in Defendants' favor, then there will be no need for Defendants to oppose  
13 Plaintiff's motion for summary judgment.

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1 This extension will promote judicial economy and prevent the undue burden of Defendants'  
2 being required to oppose Plaintiff's motion for summary judgment while Defendants' motion to  
3 dismiss this action is pending.

4 Dated: June 13, 2008

5 Respectfully submitted,

6 EDMUND G. BROWN JR.  
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